CIVIL COVER SHEET

APPENDIX H

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
Lawrence Feldman d/b/a/ Lawrence Feldman and Associates

DEFENDANTS
Google, Inc.

(b) County of Residence of First Listed Plaintiff: Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant: Mountain View, CA
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Lawrence E. Feldman & Associates, 432 Tulpehocken Ave, Elkins Park, Pa 19027 215.885.3302

Attorneys (If Known)
Jeffrey M. Lindy, David J. Berney, Lindy & Associates, 1800 John F. Kennedy Boulevard Suite 1500, Philadelphia, PA 19103 215.575.9290

II. BASIS OF JURISDICTION (Place an "X" in One Box

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- X 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box f (For Diversity Cases Only) and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	X 1	☐ 1	Incorporated *or* Principal Place of Business In This State	X 4	☐ 4
Citizen of Another State	☐ 2	X 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	X 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- X 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding — X 2 Removed from State Court — ☐ 3 Remanded from Appellate Court — ☐ 4 Reinstated or Reopened — ☐ 5 Transferred from another district (specify) — ☐ 6 Multidistrict Litigation — ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
28 U.S.C.A. §§ 1332
Brief description of cause:
Contract Action arising out of Defendant's "Adword" Program

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND $ Excess of $100,000
CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes X No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE ______ DOCKET NUMBER ______

DATE 6/14/06

SIGNATURE OF ATTORNEY OF RECORD [signature] Jeffrey M. Lindy

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LAWRENCE FELDMAN d/b/a/ LAWRENCE FELDMAN AND ASSOCIATES	:	FORMERLY: COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY MARCH TERM, 2006 NO. 735
Plaintiffs	:	
v.	:	
GOOGLE, INC.	:	
Defendant	:	FEDERAL CIVIL ACTION NO.

CASE MANAGEMENT TRACK DESIGNATION FORM

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

June 13, 2006	Jeffrey M. Lindy	Defendant Google, Inc.
Date	**Attorney-at-law**	**Attorney for**
215.575.9290	215.765.8081	jlindy@LindyLawFirm.com
Telephone	**FAX Number**	**E-Mail Address**

JTG

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PRESENTED FOR REVIEW
2006 JUN 14 PM 4:14
PROTHY

LAWRENCE FELDMAN, d/b/a/ LAWRENCE FELDMAN AND ASSOCIATES,	:	FORMERLY: COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY MARCH TERM, 2006 NO. 735
Plaintiff	:	
v.	:	
GOOGLE, INC.,	:	
Defendant.	:	FEDERAL CIVIL ACTION NO. 06-cv-2540

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA:

Pursuant to 28 U.S.C. §1441, Defendant Google, Inc., by and through its undersigned attorneys, Lindy & Associates, P.C., respectfully petitions for the removal of this action from the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania. In support thereof, Defendant avers as follows:

1. On or about March 9, 2006, Plaintiff commenced this lawsuit by filing a writ of summons in the Philadelphia Court of Common Pleas, naming Google, Inc., as a defendant. Plaintiff's writ of summon is attached hereto as Exhibit "A."

2. On or about June 5, 2006, Plaintiff filed his Complaint. Plaintiff's Complaint is attached hereto as Exhibit "B."

3. Plaintiff is a citizen of Pennsylvania with an address of 432 Tulpehocken Avenue, Elkins Park, Pennsylvania 19027. *See* Plaintiff's Complaint. Defendant is a citizen of California with an address of 1600 Amphitheatre Parkway, Mountain View, California 94043. *See* Plaintiff's Complaint.

4. In Plaintiff's Complaint, Plaintiff pleads numerous causes of action, including breach of contract, negligence and unjust enrichment, and claims damages in excess of $100,000. *See* Plaintiff's Complaint, ¶¶ 33, 36, 48.

5. Based on the respective citizenship of the parties in this case and Plaintiff's claims for damages which exceed $75,000, this Court has original jurisdiction pursuant to 28 U.S.C. §1332.

6. 28 U.S.C. §1332 provides, in pertinent part, as follows:

> **Diversity of citizenship; amount in controversy; costs**
>
> (a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs, and is between –
> (1) citizens of different States.

7. As noted above, because (a) the amount in controversy exceeds the $75,000 threshold, and (b) the lawsuit is between citizens of different states, Defendant respectfully petitions for removal of this matter pursuant to 28 U.S.C.§1441.[1]

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[1] 28 U.S.C. §1441 provides, in pertinent part:

Actions removable generally
(a) Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

WHEREFORE, Defendant Google, Inc., respectfully petitions for removal of the instant matter, presently docketed at the Court of Common Pleas of Philadelphia County, Pennsylvania, March Term, 2006, No. 735, from the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania.

LINDY & ASSOCIATES

By: ________________________

Jeffrey M. Lindy, Esquire
David J. Berney, Esquire
Of Counsel
1800 John F. Kennedy Boulevard
Suite 1500
Philadelphia, Pennsylvania 19103

Attorneys for Defendant, Google, Inc.

Dated: June 14, 2006